

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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KEVIN HERMAN LARSON,

Petitioner,

v.

**ORDER ON REPORT AND  
RECOMMENDATION**  
Civil File No. 12-0707 (MJD/AJB)

THOMAS ROY,

Respondent.

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The above-entitled matter came before the Court upon the Report and Recommendation of the United States Chief Magistrate Judge Arthur J. Boylan dated April 1, 2013. Petitioner filed an objection to that Report and Recommendation in the time period permitted.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation of United States Chief Magistrate Judge Boylan filed April 1, 2013.

The above-entitled matter is also before the Court upon Petitioner's motion for the Court to accept "late evidence." [Docket No. 21] The Court grants

Petitioner's motion and considered this evidence during its de novo review of the record.

The above-entitled matter is also before the Court upon Petitioner's request for an appointment of an attorney. [Docket No. 18] Because the Court adopts the Magistrate Judge's Report and Recommendation, the Court denies Petitioner's request for an appointment of an attorney as moot.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records, and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for writ of habeas corpus, [Doc. No. 1], is **DENIED**;
2. Petitioner's motion for the Court to accept late evidence [Doc. No. 21], is **GRANTED**;
3. Petitioner's motion for an appointment of an attorney [Doc. No. 18] is **DENIED** as moot; and
4. This action is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 26, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court